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PG PUB DIVISION

DEC 08 2004

09/712420

**JDI PATENT**

Joshua D. Isenberg

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November 12, 2004

Office of Finance  
Receipts Accounting Division  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450**RECEIVED**  
**USPTO-PG PUBS**

DEC 08 2004

Re: Refund of Publication Fee  
Serial No.: 09/712,420  
Attorney Docket No.: ONX-109  
Filing Date: November 13, 2000

To Whom It May Concern:

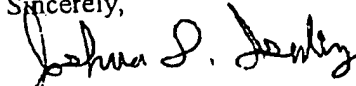
The Applicant respectfully requests a refund of publication fee in the above-referenced US patent application. The Applicants received a Notice of Allowance and Issue Fees due in the application. The Notice of Allowance indicated that only the Issue fee was due. A credit card payment form (PTO-2038) for \$1330 was submitted on September 29, 2004 and the credit card was charged this amount on October 4, 2004. However, it has come to the Applicants' attention that the USPTO has apparently also charged the publication fee of \$300 to the same credit card that was used to pay the Issue Fee.

1030  
300

Since this application was filed before November 29, 2000, the provisions of 35 USC 122(b)(1)(A) regarding publication of the application do not apply. Furthermore, the Notice of Allowance correctly indicates that the publication fee due was \$0 indicating that the fee was not to be charged. Furthermore, the Applicants did not indicate in item 4a on the PTOL-85 (Part B) that the publication fee was to be paid. Therefore, the USPTO's subsequent charging of the publication fee was improper and unauthorized. As such, the Applicant respectfully requests a refund in the amount of \$300.00 for the unnecessary and improper charge for the publication fee.

Copies of the Notice of Allowance and a USPTO credit card transaction report showing the relevant transactions is submitted as proof of the facts recited above.

Sincerely,

Joshua D. Isenberg  
Reg. No. 41088  
Attorney of Record

12/08/2004

0030018854

02 FC:1504

-300.00 OP

Credit Card Refund Total: \$300.00

Credit Card Transactions

10/21/2004	10/21/2004 11:19:29 AM	\$300.00	1504
10/25/2004	10/25/2004 09:00:24 AM	\$1,370.00	1501
10/25/2004	10/25/2004 09:00:24 AM	\$300.00	1504
10/27/2004	10/27/2004 12:37:42 PM	\$300.00	1501
10/27/2004	10/27/2004 12:37:42 PM	\$300.00	1503
10/27/2004	10/27/2004 12:37:42 PM	\$1,134.00	1702
10/27/2004	10/27/2004 12:37:42 PM	\$20.00	8007
11/02/2004	11/01/2004 08:01:27 PM	\$55.00	8011
11/04/2004	11/03/2004 05:23:48 PM	\$395.00	2801

10319408  
10060087  
10060087  
PCT/US04/34993  
PCT/US04/34993  
PCT/US04/34993  
PCT/US04/34993  
10242299  
10377978

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ONX-103/CIP

DEC 08 2004

LEL-012

LEL-003

Deposit Account Replenishments

Accounting Date	Create Date	Amount	Name/Number	DA Number
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No DA replenishments could be found.

Suspended Payments

Accounting Date	Sequence Num	Amount	Customer Name	Reference Text	Comments
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No suspended payments could be found.

Refunded Payments

Accounting Date	Refund Num	Amount	Name/Number	Customer Name
-----------------	------------	--------	-------------	---------------

No refunds could be found.

Credit Card Transactions

U.S. PATENT AND TRADEMARK OFFICE  
REVENUE ACCOUNTING AND MANAGEMENT SYSTEM

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DEC 0 8 2004

CREDIT CARD TRANSACTIONS

Card Number: ...101A Start Accounting Date: 09/16/2004 End Accounting Date: 11/04/2004 Date/Time of Report: Thu Nov 4 14:06:47 2004

Credit Card Sales

Accounting Date	Create Date	Amount	Fee Code	Name/Number	Attorney Docket Number
09/17/2004	09/16/2004 11:30:38 PM	\$40.00	8021	09915217	ONX-118/DIV
09/17/2004	09/16/2004 11:31:33 PM	\$40.00	8021	09915232	ONX-118
09/20/2004	09/17/2004 03:33:02 PM	\$40.00	8021	09915217	
09/20/2004	09/17/2004 03:33:02 PM	\$40.00	8021	09915232	
09/21/2004	09/21/2004 07:17:28 AM	\$385.00	2001	10943657	NSL-033
09/21/2004	09/21/2004 07:17:28 AM	\$171.00	2202	10943657	NSL-033
09/21/2004	09/21/2004 07:17:28 AM	\$40.00	8021	10943657	NSL-033
09/21/2004	09/21/2004 07:28:07 AM	\$385.00	2001	10943658	NSL-035
09/21/2004	09/21/2004 07:28:07 AM	\$387.00	2202	10943658	NSL-035
09/21/2004	09/21/2004 07:28:07 AM	\$40.00	8021	10943658	NSL-035
09/21/2004	09/21/2004 07:29:38 AM	\$385.00	2001	10943659	NSL-037
09/21/2004	09/21/2004 07:29:38 AM	\$144.00	2202	10943659	NSL-037
09/21/2004	09/21/2004 07:29:38 AM	\$40.00	8021	10943659	NSL-037
09/21/2004	09/21/2004 10:21:47 AM	\$385.00	2001	10943685	NSL-038
09/21/2004	09/21/2004 10:21:47 AM	\$43.00	2201	10943685	NSL-038
09/21/2004	09/21/2004 10:21:47 AM	\$40.00	8021	10943685	NSL-038
09/23/2004	09/22/2004 04:37:18 PM	\$180.00	1806	10403997	NSL-009
09/24/2004	09/24/2004 02:32:27 PM	\$43.00	2201	10147155	2790.P003A
09/24/2004	09/24/2004 02:32:27 PM	\$9.00	2202	10147155	2790.P003A
09/24/2004	09/24/2004 02:32:27 PM	\$180.00	1806	10147155	2790.P003A
10/04/2004	10/04/2004 01:03:17 PM	\$1,330.00	1501	09712420	ONX-109
10/04/2004	10/04/2004 01:03:17 PM	\$300.00	1504	09712420	ONX-109
10/04/2004	10/04/2004 01:05:16 PM	\$1,330.00	1501	09932433	ONX-115A/DIV
10/04/2004	10/04/2004 01:05:16 PM	\$300.00	1504	09932433	ONX-115A/DIV
10/04/2004	10/04/2004 10:34:13 AM	\$1,330.00	1501	09751680	ONX-106
10/04/2004	10/04/2004 10:34:13 AM	\$300.00	1504	09751660	ONX-106
10/04/2004	10/04/2004 10:37:16 AM	\$1,330.00	1501	09834744	ONX-115B
10/04/2004	10/04/2004 10:37:16 AM	\$300.00	1504	09834744	ONX-115B
10/04/2004	10/04/2004 11:06:19 AM	\$180.00	1806	09834744	ONX-115B
10/13/2004	10/13/2004 02:07:44 PM	\$20.00	8007	10698988	NSL-014
10/14/2004	10/14/2004 01:40:51 PM	\$110.00	1814	09851587	ONX-117A
10/14/2004	10/14/2004 01:41:58 PM	\$176.00	1201	09853870	ONX-117B
10/15/2004	10/14/2004 04:43:34 PM	\$88.00	1201	10910110	KLA-P1435US
10/15/2004	10/14/2004 04:43:34 PM	\$342.00	1202	10910110	KLA-P1435US
10/15/2004	10/14/2004 08:14:07 PM	\$790.00	1001	10962737	KLA-P1467US
10/15/2004	10/14/2004 08:14:07 PM	\$126.00	1202	10962737	KLA-P1467US
10/15/2004	10/14/2004 09:14:07 PM	\$40.00	8021	10962737	KLA-P1467US
10/19/2004	10/19/2004 02:58:56 PM	\$180.00	1806	NULL	NSL-013A
10/20/2004	10/20/2004 12:53:40 PM	\$395.00	2001	10966338	NSL-036
10/20/2004	10/20/2004 12:53:40 PM	\$90.00	2202	10966338	NSL-036
10/20/2004	10/20/2004 12:53:40 PM	\$40.00	8021	10966338	NSL-036
10/20/2004	10/19/2004 04:17:21 PM	\$55.00	2251	09816472	KUM11SL.PRB
10/20/2004	10/19/2004 04:17:21 PM	\$395.00	2801	09816472	KUM11SL.PRB
10/21/2004	10/21/2004 11:10:29 AM	\$885.00	2501	10319406	NSL-001

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510-360-9658

**JDI PATENT**

# Fax

To: E Gordon From: Shirley  
Joshua D. Isenberg Ph.D.  
Fax: (703) 308-5077 Pages: 5 (including cover sheet)  
Phone: (703) 306-4150 Date: 12/7/2004  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

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**● Comments:**

Per our phone conversation, attached is the  
letter we sent to Office of Finance.  
We have never heard back from them.  
Please help us

Shirley

Debra Steiner  
Publicist & Editor

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